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Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt

Addendum

Mission to Jordan*

Summary

The Special Rapporteur on freedom of religion or belief conducted a visit to Jordan from 2 to 10 September 2013.

In the present report, the Special Rapporteur commends the Government of Jordan for its commitment to religious diversity in the country and within the broader Arab region. He describes the positive atmosphere of tolerance that he observed, in particular between Muslims and Christians. The existing interreligious tolerance is the result of ongoing efforts made in many institutions, including schools, universities, the media, the administration and the national Parliament. During his visit, the Special Rapporteur also discussed the situation of refugees from neighbouring countries currently living in Jordan, and their freedom of religion or belief.

The Special Rapporteur also identifies a number of challenges for the full enjoyment of freedom of religion or belief by all, including the non-recognition of some small religious minority communities (such as Baptists and Baha'is), the treatment of converts from Islam, and discriminatory implications of the handling of personal status issues.

* The summary of the present report is circulated in all official languages. The report itself, contained in the annex to the summary, is circulated in Arabic and in the language of submission only.

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A major challenge faced by the country and the region is rising religious extremism, which to date has not had much impact on Jordanian society. In this regard, the Special Rapporteur refers to the Rabat plan of action on the prohibition of advocacy of racial, national and religious hatred that constitutes incitement to discrimination, hostility or violence. He recommends that the Government invite all relevant national stakeholders to explore the potential of the plan of action for consolidating resilience against religious extremism on the basis of the full enjoyment of freedom of religion or belief by all.

Annex

[Arabic and English only]

Report of the Special Rapporteur on freedom of religion or belief on his mission to Jordan

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I. Introduction

1. The Special Rapporteur on freedom of religion or belief undertook a country visit to Jordan from 2 to 10 September 2013, with the aim of obtaining first-hand information on the situation of freedom of religion or belief in the country and to identify good practices, as well as existing or emerging challenges to the enjoyment of freedom of religion or belief.

2. The Special Rapporteur would like to thank all those who helped to make the visit possible and indeed, very fruitful. He expresses his profound gratitude to the Government of Jordan for the cordial invitation transmitted through its Permanent Mission in Geneva. The Government supported the visit in many ways, by, inter alia, exchanging views, facilitating contacts with representatives of different institutions and providing logistical support and information.

3. The Special Rapporteur is also indebted to many interlocutors from all branches of the State, diverse religious communities, as well as various civil society organizations. State representatives with whom he communicated included high-ranking representatives of the Ministry of Foreign Affairs and Expatriate Affairs, the Ministry of Justice, the Ministry of the Interior, the Ministry of Awqaf and Islamic Affairs and Holy Places, the Ministry of Education, the Ministry of Labour, the Ministry of Social Development, the Ministry for Media Affairs, the Committee on Citizen's Rights of the National Parliament, the Supreme Justice, the Chief Justice of the Sharia Courts, the National Centre for Human Rights and the Office of the Ombudsman. He met with State representatives outside the capital, including the Governor of the Karak governate. Towards the end of the visit, the team was cordially received by Prince Hassan Bin Talal, with whom an extensive exchange of views and assessments was held. The Special Rapporteur met with representatives of various religious communities, both leaders and ordinary members, including Sunni Muslims, Shia Muslims, Bani Maaroof (usually called "Druze"), Greek Orthodox Church, Roman Catholic Church ("Latins"), Greek Catholic Church ("Melkites"), Maronites, Anglicans, Baptists, Baha'is and others. Throughout the visit, he had substantive exchanges with various civil society organizations, both faith-based and secular, specialized in human rights issues in the country and the wider region. He also had meetings with representatives of a number of women's rights organizations, academic institutions, political foundations and media organizations. When visiting the Zaatari camp near the border with the Syrian Arab Republic, the Special Rapporteur had the opportunity to discuss the situation of Syrian refugees in Jordan with representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR). He also met teachers and students, in particular during his visits to a number of public and private schools.

4. The Special Rapporteur benefited enormously from the many discussions held mostly in Amman, but also in Karak and the camp in Zaatari. All discussions took place in an open and constructive atmosphere. The visit would not have been possible without the invaluable support of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva and the United Nations country team led by the Resident Coordinator in Amman.

II. Legal framework

A. International guarantees

5. Jordan is a State party to most international human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination, the

International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and two optional protocols thereto, and the Convention on the Rights of Persons with Disabilities.

6. On its ratification of the above-mentioned treaties, Jordan added in a number of cases, declarations or reservations. Reservations concerning the Convention on the Elimination of All Forms of Discrimination against Women relate to article 9, paragraph 2, (equality of parents in transmitting their nationality to their children); article 16, paragraph 1(c) (same rights and responsibilities during marriage and at its dissolution); article 16, paragraph 1(d) (same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children); and article 16, paragraph 1(g) (same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation). Its reservation on article 15, paragraph 4 (wife's residence with her husband) was withdrawn. With regard to the Convention on the Rights of the Child, Jordan entered a declaration relating to article 14 (freedom of religion or belief).

B. Constitutional guarantees

7. According to article 2 of the Constitution ratified in 1952, Islam is the religion of the State. Article 28(e) specifies, inter alia, that the head of the State must be Muslim.

8. Chapter Two of the Constitution, entitled "Rights and duties of Jordanians", lists in articles 5 to 23 the various human rights and citizen's rights recognized by the State. Article 6 contains a non-discrimination clause that specifically prohibits discrimination by citizens on the grounds of race, language or religion.

9. Another pertinent provision of Chapter two of the Constitution is article 14, which states that the State is responsible for safeguarding "the free exercise of all forms of worship and religious rites in accordance with the customs observed in the Kingdom, unless such is inconsistent with public order or morality."

10. According to article 99, the court system comprises three categories: civil courts, religious courts and special courts. With regard to religious courts, article 104 distinguishes between sharia courts and the tribunals of other recognized religious communities. While sharia courts have jurisdiction over matters concerning the personal status of Muslims, as well as cases concerning blood money and matters pertaining to Islamic religious foundations (see art. 105), tribunals of other recognized religious communities have jurisdiction over their own personal status matters and religious foundations (see art. 109). Moreover, while sharia courts operate on the basis of sharia law, the tribunals of other religious communities follow the religious laws of their own denominations.

III. General findings

A. A safe haven and religious moderation in a volatile region

11. Internationally and regionally, Jordan enjoys the reputation of a country that practices and promotes peaceful coexistence among followers of different religions, in particular Muslims and Christians. For instance, in September 2010, the Government of Jordan tabled a draft resolution on interfaith harmony, which the General Assembly

subsequently adopted by consensus.[1] The resolution introduced, inter alia, Interfaith Harmony Week, which has since been celebrated every February.

12. The same holds true for the Arab region. Being itself a country with a vast majority of Sunni Muslims, Jordan has taken the lead in promoting peaceful interreligious coexistence in the region. This includes initiatives to enhance the awareness of religious pluralism, which has shaped the Arab region since times immemorial. Representatives of religious minorities with whom the Special Rapporteur had a chance to communicate on these issues unanimously expressed their appreciation of the State's commitment to this area. As an example, they referred to a conference on the theme "Challenges of Arab Christians", hosted in Amman on 3 and 4 September 2013, during which King Abdullah II received Christian leaders from the entire Arab region to hear their concerns and discuss with them the long-term prospects of Christianity in the Middle East.

13. Jordan is also perceived as a voice of religious moderation in a regional environment where religion has in recent years become increasingly politicized. Experience from different parts of the world shows that harnessing religion for narrow purposes of power politics nearly always results in setting groups of people against one another, thus often poisoning relations between communities that had previously coexisted peacefully.[2] Moreover, amalgamating religious messages with mundane political purposes may also undermine the spiritual attractiveness of religion in the eyes of many people. When discussing this topic, representatives of the Government and various religious communities repeatedly expressed their concern that the politicization of religion in conjunction with religious extremism, which has been marginal in Jordan to date, could become increasingly influential. Against this background, they all acknowledged and appreciated Jordan's role as a voice of religious moderation in the region, as evidenced in the "Amman message" of 2004 (http://ammanmessage.com/), which presents Islam as a religion of open-mindedness that promotes amicable relations with adherents of other faiths.

14. Jordan has hosted hundreds of thousands of refugees who have left their home countries as a result of conflict, civil wars and concomitant humanitarian disasters. Unfortunately, it is to be expected that even more will seek refuge in the country. When visiting the refugee camp in Zaatari near the border with the Syrian Arab Republic, the Special Rapporteur witnessed first-hand the difficult circumstances in which Syrian refugee women, men and children live, and which affect their freedom of religion or belief. People use tents as provisional places of prayer, while religious leaders play a key role in managing family affairs and other community issues, all with the support of UNHCR. Reportedly, virtually all of the inhabitants of the camp are Sunni Muslims, and places of worship for other denominations, however provisional, do not exist. Accommodating even a minimum degree of religious diversity in a refugee camp without creating religious divisiveness among refugees, many of whom are traumatized by recent experiences of extreme hostility, remains a huge challenge that the Special Rapporteur discussed with representatives of UNHCR. He had a particularly moving experience when visiting a Roman Catholic parish school in the Karak governate, where refugee children received additional education in mathematics, grammar and languages (Arabic and English). These children, whose families had fled the Syrian Arab Republic, needed additional tuition, which was provided during the afternoon to enable them to keep up with their regular public school courses. The teachers and assistants who provide this extra education do not receive any salary and act on a purely voluntary basis. The religious or denominational

[1] Resolution 65/5.

[2] See A/HRC/25/58, paras. 28 and 66.

background of the refugee children plays no role in their admission and education at the school.

B. Climate of tolerance

15. Besides the vast majority of Muslims (estimated at accounting for 95 to 97 per cent of the population), Jordan is home to a Christian minority (around 3 per cent of the population). While Christianity in Jordan includes a broad variety of traditional and less traditional denominations, almost all Muslims belong to the Sunni branch of Islam. The number of Shias traditionally residing in the country is very small, and might number only a few hundred persons. Whether and how the influx of refugees will change the composition of the Muslim population in Jordan in the long run remains an open question. The Bani Maaroof (usually referred to as "Druze"), constitute another small part of the religious minority population. Reportedly, the Bani Maaroof may comprise up to 15,000 people, all of whom are registered as Muslims. Jordan also has a community of Baha'is, the number of which ranges between a few hundred to 1,000 people. All estimates remain vague and controversial, since established statistical information concerning the religious composition of Jordanian society does not exist. A topic scarcely explored is the number of de facto non-believers, namely, persons who may be registered as Muslims or Christians but do not regard themselves as really belonging to any religion and who may in part see themselves as agnostics or atheists. The Special Rapporteur heard very different assessments concerning this issue.

16. In Jordan, relations between people of different faiths, in particular Muslims and Christians, are very positive and amicable. Representatives from both communities repeatedly described their relations as "brotherly", and many see this as a major accomplishment in which they take pride. This positive atmosphere is cherished on a daily basis in neighbourhoods in which Muslims and Christians live together, often since times immemorial. The Special Rapporteur heard many narratives about people greeting each other on their respective religious holidays, sometimes even celebrating together or attending funerals jointly regardless of the denomination of the deceased. When visiting a number of schools, both public and private, he saw students from Muslim and Christian families learning together under the supervision of teachers who likewise came from different religious backgrounds. He heard about a female Muslim student who volunteered to play the organ during a Christian devotion held in a private school run by the Roman Catholic Church. Obviously, schools play a pivotal role in sustaining and further developing the culture of peaceful coexistence, since they facilitate daily encounters of young students during their formative years. Religious differences are mostly seen as something natural, perhaps not even worth highlighting. Indeed, teachers and headmasters of the educational institutions that the Special Rapporteur visited stated that religious differences did not play a major role, if any, in the daily operations of their school.

17. At the level of State institutions, measures have been taken to support good relations between Muslims and Christians further. Such measures include a minimum guarantee of nine out of 150 seats in the Lower Chamber of Parliament (Chamber of Deputies) for Christian candidates. Unlike in some other countries, in which minorities constitute separate electorates, the Jordanian election system provides for a single, unified electorate, which implies that Muslims may also vote for Christian candidates and vice versa; reportedly, this also happens in practice. While a formal quota concerning the religious composition of the cabinet does not exist, Christians have usually held positions in the Government alongside Muslims. They also hold high-ranking posts in other State institutions, such as the police force, public media and universities.

18. Persons belonging to religious minorities reported that they can generally practice their religion freely without facing unreasonable obstacles from the administration or within their social environment. The construction or renovation of churches or other religious buildings is usually undertaken without undue bureaucratic stipulations, and people can manifest their beliefs visibly and audibly, for instance, by wearing (or by choosing not to wear) religious garments, holding public processions, performing rituals or pronouncing prayers. Moreover, members of minorities generally do not suffer from discrimination in the labour market, at their workplace, in hospitals or in the housing market.

19. Remarkably, the above rather positive assessment was largely shared by members of minority communities that have not received recognition as religious communities, such as followers of certain Christian denominations (for example, Baptists) or members of the post-Islamic Baha'i community. Although facing some serious problems due to the of formal recognition (see paragraphs 23 to 28 below), the adherents of these groups spoke quite positively about living in Jordan. Apart from specific issues of concern, these individuals can generally live like other Jordanians, with whom they by and large enjoy good relations.

20. As a general caveat, the Special Rapporteur would like to mention that most of the discussions he held during the visit took place in Amman. The atmosphere experienced there may be typical for the urban areas of Jordan where the majority of Jordanians live. The Special Rapporteur did not, however, gain first-hand experience of the situation in remote rural areas. He was informed that, in such rural areas in which conservative tribal traditions continue to permeate and shape all aspects of social interaction, the climate may be very different and much less tolerant. Moreover, in regions in which Christians do not traditionally reside, they reportedly may be perceived as not really fitting into an Arab society.

21. Another caveat concerns the impact of social and economic factors, whose significance for understanding the dynamics between different religious groups or attitudes needs to be explored systematically. The Special Rapporteur was not able to check or verify conjectures disclosed to him by a number of interlocutors that the impoverished strata of the population are particularly vulnerable to increasing radical religious influence. The assumption that social and economic factors should be taken into account for a more comprehensive picture of the situation of freedom of religion or belief seems generally plausible.

IV. Recognition and registration issues

22. While article 2 of the Constitution of Jordan accords Islam an elevated status as the official religion of the State, Christian denominations are also recognized by the State. Such recognition implies a number of practical privileges, including tax exemption and financial subsidies, as well as the possibility of deciding legal matters concerning personal status in their own ecclesiastical tribunals, largely on the basis of their respective canon laws. Recognized religious communities include the Greek Orthodox Church, the Roman Catholic Church ("Latins"), Greek Catholics ("Melkites"), the Maronite Church, the Anglican Church, the Syrian Orthodox Church and the Seventh-day Adventists.

23. Some non-recognized Christian denominations, such as the Baptists or the Pentacostalists, have registered under the law of immovable property, which gives them a status largely comparable to registered associations. Although having the status as a collective legal personality, which is important for organizing community matters in a sustainable manner, they understandably feel disadvantaged when compared with officially recognized churches. Besides the symbolic impact of unequal status, practical problems

arise with legal questions concerning personal status – marriage, divorce, custody of children and inheritance issues – because non-registered communities do not have their own religious tribunals. In such situations, members of non-recognized Christian churches have the option of either submitting their issues to the ecclesiastical tribunals of a denomination to which they feel some attachment or of resorting to a civil court. Both options include practical problems. While resorting to other ecclesiastical tribunals requires an appeal to the voluntary hospitality of the relevant community, civil courts by and large operate on the basis of the tenets of Islam.

24. When responding to a request for full recognition as a religious community on an equal footing with traditional churches, the Government generally consults with the Council of Churches, even though this is not required by law. From a human rights perspective, however, questions concerning recognition or registration of a group should not be made dependent on the consensus of other denominations. Instead, applications for recognition or registration should be decided by the administration on the basis of transparent criteria applicable to all groups, without discrimination.

25. A few small communities, including the Baha'is and some Evangelical denominations, do not have any status as a legal personality. Not only do they lack formal recognition as religious communities, they are also deprived of the advantages of registration under the law of immovable property. This leads to serious problems for them in organizing a sustainable community life; for example, a community lacking any status as a collective legal entity cannot open bank accounts, purchase real estate or employ professional staff for educational or other purposes. As a result, such activities can only be undertaken by private individuals operating in the service of the community. The situation can always change when such a person dies or for any reason cannot continue to function on behalf of the community. Under such precarious conditions, the development of an infrastructure needed for sustaining community affairs is certainly difficult, if possible at all. This raises serious concerns under freedom of religion or belief, which is not a right of individuals alone but also of communities.

26. At the level of the individual person, everyone's religious adherence is registered on an identity card. Before the computerization of the issuance of identity cards, some 20 years ago, the administration at times accommodated religious adherence beyond the two main religions of the country (Islam and Christianity). For instance, the Baha'is reported some cases in the past in which membership in the Baha'i community had been handwritten into identity documents. With the full computerization of the issuance of identity cards, however, this option no longer exists. As a result, the remaining options are confined to Islam, Christianity or no religion (indicated by a dash or a few dots).

27. The Special Rapporteur reiterates his view that the State should ensure that religious orientations are not identified against the will of the individual. This particularly concerns passports, identity cards and similar documents. The fact that such documents play a crucial role in administrative dealings – such as the enrolment of children in school, applications for public positions, participation in elections or applications for a visa – renders the holders vulnerable to discriminatory treatment on the basis of their religion or belief. The Special Rapporteur noted with approval that Jordanian passports no longer include the category "religion". When speaking with the Minister for the Interior and other representatives of the Government, he learned that proposals were currently being discussed concerning a possible removal of the category "religion" also in identity cards. The Special Rapporteur encourages such a development.

V. Issues of personal status

28. Legal questions concerning marriage contracts and family matters such as divorce, custody of children and inheritance, which are usually summarized under the heading of "personal status", are generally left to sharia courts and to the religious tribunals of recognized communities. With regard to the broad majority of Muslims living in the country, sharia courts take care of their personal status issues. As previously mentioned, recognized Christian communities have their own independent ecclesiastical tribunals, which operate on the basis of their version of canon law. Cases that involve both Muslims and non-Muslims can go to sharia courts, provided that all parties involved agree. Alternatively, such cases will be dealt with in civil courts.

29. Within this pluralistic legal system, individuals who do not fit into the pattern of recognized religious communities face a problem if they wish to regulate their personal status affairs in a predictable, fair and non-discriminatory manner. With increasing degrees of gravity, this affects members of non-recognized Christian denominations, the Baha'is and converts from Islam to Christianity or another religion. Another set of problems originates from the treatment of interreligious marriages in the system of personal status laws. Where the husband is Muslim, sharia law applies. Marriages between a Muslim woman and a non-Muslim man are not permitted, with the consequence that the man must convert to Islam in order to contract a valid marriage under sharia law. The existing system of personal status law, while accommodating legal pluralism, reflects a clear inequality between men and women, as well as an inequality between members of different religions.

30. As previously mentioned, members of non-recognized Christian denominations have to manage their personal status issues by appealing to the "hospitality" of another Christian denomination or by resorting to civil courts; for instance, members of the Baptist Church would most likely bring their issues before an Anglican tribunal. In discussions with members of non-recognized Christian denominations, the Special Rapporteur learned that, although the situation leads to complications and extra burdens, their issues can usually be resolved in practice. Nonetheless, the members of non-recognized Christian denominations with whom he spoke complained of discriminatory treatment. They felt that they lived at the mercy of other denomination or, alternatively, had to resort to civil courts that apply laws inspired by Islamic norms.

31. The situation for the Baha'is is much more complicated. Seeing themselves as a post-Islamic religious community, the Baha'is are not recognized as a distinct religion. On their identity cards or on other official documents, they are either identified as Muslims or as not having any religion. Both options clearly go against their self-perception. Moreover, non-recognition of Baha'is leads to a number of problems concerning the validity of marriage contracts and the legal status of children born in such circumstances. In some situations, this has led to treating such children as being born out of wedlock from the perspective of Jordanian laws. When presenting these issues and cases, the Baha'is expressed their appreciation for the spirit of cooperation that they had generally encountered in the Civil Affairs Department of the Ministry of the Interior. In most cases, pragmatic solutions could be found on the basis of goodwill. This does not, however, alter the fact that the situation of their legal status remains precarious and clearly discriminatory. Problems resulting from this state of affairs concern the right to freedom of religion or belief in conjunction with equality of men and women, and possibly also children's rights.

32. Even more complicated is the legal situation of converts from Islam to Christianity. This also includes re-converts who, after having converted from Christianity to Islam, later wish to convert back to their original religion. Although the Special Rapporteur could not find any precise data, it seems that the number of reconversions is higher than the number of conversions from Islam. In general, conversions do not take place on a large scale.

Although in Jordan conversions away from Islam do not constitute a punishable offence under the criminal code, the civil law implications of such conversions are grave and have clear punitive effects. Depending on the circumstances of each individual case, conversion from Islam can lead to the dissolution of marriage, loss of custody of one's own children and exclusion from inheritance. On their identity cards, converts are treated as not having any religion, even though they may see themselves as Christian or belonging to another religion. It should be noted that conversion to Islam does not lead to similar consequences, which again accounts for unequal treatment of persons on the basis of their religion or belief.

33. If a Christian male converts to Islam, his underage children (namely, those under 18 years of age) are automatically registered as Muslims, while his adult children may remain Christians. This has reportedly led to situations in which children, who had never received Muslim instruction, had to pass a school exam on Islamic teachings since they were treated as Muslims after their father's conversion. This shows that personal status laws have also far-reaching implications for the rights of children, in particular their freedom of religion or belief as enshrined in article 14 of the Convention on the Rights of the Child. As previously mentioned, Jordan entered a reservation with regard to article 14 it ratified the Convention.

34. Moreover, if a Christian woman converts to Islam while being married to a Christian man, her husband must also convert to Islam in order to remain married, on the basis of the assumption that a non-Muslim man cannot marry a Muslim woman. This is one example of how human rights problems can arise at the intersection of freedom of religion or belief and equality of men and women. The Special Rapporteur also learned that, in the event of a divorce between a Muslim and a Christian, a Christian wife will lose custody of her children once they have reached the age of seven years. The situation of Muslim women in divorce settlements seems to be better, since they may exercise their custody rights until the child has reached the age of 14; from then onward, the child may decide which parent should enjoy custody. Again, the current legal system shows obvious discriminatory effects based on both religion or belief and gender.

35. One exception within the pluralistic system of personal status laws concerns inheritance matters. In this area, only sharia law applies. Sharia inheritance law is also binding for the jurisdiction of the various Christian tribunals on issues of inheritance.

36. When discussing the various problems arising from the intricacies of personal status issues, the Special Rapporteur heard several different proposals. While some interlocutors advocated the pragmatic handling of complicated cases largely within the logic of the established legal system (namely along the lines of existing practice), others expressed their desire to go beyond the legal status quo by, for instance, establishing the option for everyone to have access to a non-denominational ("civil") family law, if the persons concerned so wish. Some went a step further by advocating a general secularization of family law and other personal status regulations.

37. From the perspective of freedom of religion or belief, it seems important to handle personal status questions in a manner that accommodates the existing religious or belief-related pluralism fairly and without discrimination. Persons belonging to a religious or belief minority or not professing any religion should have legally established and reliable options rather than having to rely on pragmatic handling based on good will within the administration. The Special Rapporteur emphasizes in this context that, according to international standards, pluralism must also include the freedom to hold and manifest convictions that go beyond traditionally recognized religions. Moreover, freedom of religion or belief also includes the right to change one's religion or belief. These requirements of international human rights law may be at odds with some religious traditions as they have developed in history. At the same time, however, they fit together with an insight formulated in virtually all religions and beliefs, namely, that authentic faith

must derive from the person's heart and that it cannot be the business of the Government or any other earthly power to interfere coercively in this sphere.

VI. Education

38. When visiting a number of schools, both public and private, the Special Rapporteur was able to gain first-hand experience of how teachers and students from different religious backgrounds lived and learned together. He appreciated the friendly atmosphere in all the schools he visited, and he particularly enjoyed a frank and intense discussion with a group of eleventh grade students in a private school. According to information provided by headmasters, schools sometimes cater for the local population in general by, for instance, inviting people living in the neighbourhood to use libraries, borrow books or journals and participate in school festivities.

39. According to information received, private schools are generally run by different Christian denominations. Apparently, private schools run by Muslim organizations do not exist in Jordan. Existing private Christian schools offer religious instruction for both Muslim and Christian students, who receive an education based on the tenets of their respective faiths. This is not the case in public schools, which to date only cater for Muslim students, while Christian students attending public schools may decide whether they wish to participate in Islamic classes or prefer to leave the classroom and, for instance, spend time in the library. The Special Rapporteur emphasizes in this context that no student should ever coercively be exposed to religious instruction that goes against his or her religious or other conviction or the convictions of his or her parents. The headmasters of the schools visited assured the Special Rapporteur that this requirement, which is explicitly enshrined in international standards on freedom of religion or belief (such as the International Covenant on Civil and Political Rights, art. 18, paras. 2 and 4), is honoured in practice, including by providing appropriate facilities for non-attending Christian students. Whether a student from a Muslim family who refuses to take Muslim instruction has the option to seek an exemption is unclear. When asking this question, the Special Rapporteur was told that not a single case had yet arisen. From the perspective of freedom of religion or belief, exit options from religious instruction based on the tenets of a particular faith should be available not only for members of minorities but for all students or parents, respectively, who feel that the teaching is incompatible with their convictions; this also includes persons following the majority branch of faith (namely, in the case of Jordan, followers of Sunni Islam).

40. Representatives of Christian communities repeatedly expressed their opinion that public schools should offer Christian instruction for those Christian students who wish to avail themselves of such a possibility. Requests and practical proposals on this issue had reportedly been presented to the respective governmental institutions for approval, but to date had been unsuccessful. When discussing this issue with representatives of the Ministry of Education, the Special Rapporteur heard some scepticism concerning the ability of different Christian communities to agree on a common curriculum. He was told that, given the small size of Christian denominations, such an agreement would be necessary to provide Christian education in practice. Representatives of Christian communities emphasized, however, that they had already largely agreed on the curricular basis of religious instruction, and that proposals to this effect had already been made in the late 1990s, but unfortunately to no avail. The Special Rapporteur encourages the Ministry of Education to resume discussions with representatives of Christian churches to explore further the options of Christian religious instruction in public schools based on a broad curriculum on which various denominations could agree.

41. In addition to religious instruction in the strict sense of the word (namely, education given with the intention of familiarizing students with their own faith), the school can and should also provide information about religions, philosophies and beliefs in the context of history, geography, literature or other disciplines, in order to overcome misunderstandings and negative stereotypes. Education should include basic information about religions that do not traditionally exist in the country. Equally important is information about intra-religious diversity, including different Christian denominations and different branches of Islam. The Special Rapporteur was informed in this context that many negative stereotypes against Shias exist in Jordan. Resentment and prejudices seem to have increased in recent years. On the one hand, this may reflect the current political conflicts within the Arab region; on the other, prejudices may also be based on gross misunderstandings of the religious teachings of Shia Islam. School education can and should play a role in overcoming misunderstandings by providing appropriate information.

42. Representatives of Christian communities requested that history books used in schools be more appropriately include the Christian heritage in Jordan and other Arab countries which, they stated, is largely ignored in text books.[3] Moreover, they asserted that, if Christianity is addressed in teaching materials, this is typically done from an Islamic point of view, which does not do justice to the self-understanding of Christians. According to information provided to the Special Rapporteur, it seems that, while history books used in school generally inform students about non-Islamic religions, including in particular Christianity, the specific regional heritage of Christianity in Jordan or in the broader Arab world is not appropriately covered.

43. In textbooks and curricula used for Muslim instruction, Christianity is generally presented through the lens of Islamic teachings. Representatives of various Christian denominations with whom the Special Rapporteur discussed this issue mentioned the so-called "Barnabas gospel" as a particularly disturbing misrepresentation of Christianity in curricula and textbooks used in school.[4] The so-called "Barnabas gospel", thought by many researchers to have originated in sixteenth-century Spain, naturally does not belong to traditional Islamic teaching based on the Koran or the Hadith. It nonetheless features in curricula and textbooks used for Muslim instruction in public schools.

44. The Special Rapporteur underlines the conceptual difference between, on the one hand, religious instruction that has the intention of familiarizing students with their own religious tradition, and "neutral" information on religious issues provided in history, geography or literature classes, on the other. It is important to maintain this distinction not only conceptually but also in practice.[5] This important differentiation has implications also for the contents of curricula and textbooks. In any case, textbooks used in schools should aim to do justice to the self-understanding of religious communities and their members in order to contribute to the elimination of misperceptions that often negatively affect relations between people of different persuasions.

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[3] It should be noted that a Roman Catholic priest also complained about the general ignorance of the realities of Arab Christendom in Europe.

[4] This was confirmed by a study conducted by Professor Wolfram Reiss on the basis of the Jordanian curricula. See Klaus Hock, Johannes Lähnemann and Wolfram Reiss, Die Darstellung des Christentums in Schulbüchern islamisch geprägter Länder, Teil 3: Libanon und Jordanien (Berlin: EB-Verlag, 2012), p. 479.

[5] A/HRC/16/53, para. 31.

VII. Religious extremism

45. One topic that came up in a number of discussions concerned religious extremism. Obviously, Jordan has a tradition of religious moderation, and extreme interpretations of religious traditions have to date had only marginal influence. The Special Rapporteur, however, frequently heard concerns that this might change in the long term given that some radical voices within both Christianity and Islam seemed to be gaining ground. When assessing this problem, differences between urban and rural areas, as well as between different social and economic strata of the society, must be taken into account, since they may have an enormous impact.

46. Religious extremism typically implies the rejection of pluralism not only among religions but also – and often in even more aggressive ways – within the same religion. As many manifestations of hostility in the Arab region sadly demonstrate, the divide between different branches of Islam is currently widening. Jordan, with its overwhelming majority of Sunni Muslims, has fortunately not seen any serious intra-Muslim conflicts, and it is not likely that they will break out in the foreseeable future. Nonetheless, the Special Rapporteur heard stories of mounting resentment against Shias. Apart from politically motivated hostility, this resentment may also reflect religious stereotypes that should be critically addressed in school education and through other initiatives. It seems advisable to accommodate a sufficient degree of intra-religious diversity in initiatives of interreligious dialogue. Such projects should ensure the full participation of women, who often are forgotten or marginalized in projects focused on promoting interreligious and intra-religious communication.

47. When addressing religious extremism, the Government of Jordan relies on, inter alia, restrictive measures, as was openly admitted by some representatives of the Government. These measures may include banning certain books or websites deemed to exacerbate divisions between and within religious communities. The Special Rapporteur would like to reiterate that freedom of religion or belief and freedom of expression are closely intertwined and mutually reinforce each other. The positive interrelatedness of both norms has also found recognition in the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.[6] While setting a high threshold for restrictive measures against extreme forms of hate speech, which have to meet a number of precisely defined criteria to be legitimate, the Rabat Plan of Action emphasizes the need for "alternative speech". For instance, to challenge advocates of hatred in their usual claims to speak in the name of "the silent majority", it is important that the majority does not remain silent. Civil society activities that visibly and audibly reject manifestations of hatred can be very effective in discouraging those advocating hatred, while at the same time encouraging their targets who should feel that have not been left alone. The Plan of Action specifically calls upon political and religious leaders to speak out firmly and promptly against intolerance, discriminatory stereotyping and instances of hate speech. Other measures recommended in the Plan of Action include voluntary ethical guidelines for media reporting connected with self-regulatory supervision, support for community media, the facilitation of non-discriminatory participation of minorities also within media catering to mainstream society, interreligious and intra-religious dialogue initiatives, public awareness-raising campaigns and educational efforts in schools.

[6] Adopted at the final expert meeting held in Rabat in October 2012 at the conclusion of a series of regional expert workshops organized by OHCHR See www.ohchr.org/EN/NewsEvents/Pages/TheRabatPlanofAction.aspx.

48. The Rabat Plan of Action is based on experiences that many countries from different regions have gained in addressing collective religious hatred in effective ways while fully preserving – or creating – a climate of freedom of expression to ensure that people can publicly express their grievances and problems. Many of the measures recommended in the Plan fit quite well with activities that have already been conducted by the Government of Jordan. At the same time, it might be useful for the Government to invite religious communities, civil society organizations, media representatives and other stakeholders to explore jointly the full potential of the Rabat Plan of Action for Jordan when it comes to combating manifestations of religious hatred caused by religious extremism.

49. Amicable relations among people of different religious or philosophical persuasions can never be taken for granted. They need to be defended, cherished and further developed on the basis of respect for everyone's freedom of religion or belief. This requires continuous efforts to build trust through institutions and through communication. During his visit to Jordan, the Special Rapporteur saw much commitment and good will of many people in Government, religious communities, civil society organizations and others to move further along this path.

VIII. Recommendations

50. **In the light of his findings, the Special Rapporteur makes the recommendations below.**

51. **Jordan should consider withdrawing its reservations concerning the Covenant on the Elimination of All Forms of Discrimination against Women.**

52. **Jordan should consider withdrawing the existing reservation against article 14 of the Convention on the Rights of the Child.**

53. **Jordan should continue to promote a positive climate between religious communities. Interreligious dialogue projects should take into account the existing inter and intra-religious diversity and ensure a fair participation of women.**

54. **The Government should collect reliable data and provide statistical information on the religious landscape of the country. Reliable statistical information is needed to combat discrimination, in particular concealed or indirect forms of discrimination, in a systematic manner. Gathering of religious data should be undertaken in a non-discriminatory and non-stigmatizing manner.**

55. **The Government should ensure that recognition of religious communities is undertaken in a fair and transparent manner and based on clearly established criteria. Recognition should not be made dependent on the approval of other religious communities (as it currently is de facto the case).**

56. **The Government should ensure that an appropriate status as a collective legal personality is available to all religious or belief communities who need and wish to have such a status to be able to organize their community issues on a sustainable basis.**

57. **The category "religion" should be removed from ID cards, as it is already the case with Jordanian passports.**

58. **The State should ensure that the laws regulating personal status matters are inclusive and non-discriminatory. Members of non-registered religious communities, including the Baha'is, and persons who have converted from Islam to another religion or belief should be accommodated on the basis of equality. The requirement of equality and non-discrimination concerns both the aspect of religion or belief and the aspect of sex/gender.**

59. **School education should reflect the existing religious or belief pluralism in the country and the entire region and contribute to the elimination of negative stereotypes, for instance against Shias.**

60. **The Ministry of Education is encouraged to consult with representatives of Christian communities about the introduction of Christian religious instruction in public schools.**

61. **When fighting manifestations of religious hatred, the Government should take into account the Rabat Plan of Action on advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility of violence. Measures taken to prevent or combat hatred should fully respect freedom of religion or belief, freedom of expression and other rights to freedom which are mutually reinforcing.**

62. **The Government should invite relevant stakeholders, including religious communities, civil society organizations and media representatives, to explore the potential of the Rabat Plan of Action and its application to the situation in Jordan.**